

# Montana State Senate



**SENATOR GREG BARKUS**  
SENATE DISTRICT 4

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August 5, 2009

*The Big Sky Country*

RECEIVED

AUG - 6 2009

**D.N.R.C.**

COMMITTEES:  
FINANCE AND CLAIMS  
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Mary Sexton, Director  
Montana Department of Natural Resources  
P.O. Box 201601  
Helena, Mt. 59620-1601

RE: Kalispell Pole and Timber, Yale Oil, Reliant Refinery (KRY)

Dear Mary,

Thanks for the phone call received this morning. I am quite disappointed in your response.

There was no question as to the Legislative Intent of the Amendment to HB2 I sponsored that appropriated \$600,000 from the Orphan Share Fund to pay for Swank Enterprise's share of the cleanup at the KRY site. The \$9,000,000 that was appropriated to pay the DNRC's share at the site has not been questioned. The property that Swank purchased was contaminated and when Swank was told that he would be responsible for 2% of the cost, which at the time were estimated to be between \$500,000 to \$1,000,000, he agreed to pay his share, by DEQ's estimates to be \$10,000 to \$20,000. Further studies in the late 90s and 2005 requested by DEQ resulted in increased remediation estimates to the current figure of \$32,000,000 which would increase Swank's share to \$640,000.

Hopefully, your agency will review the matter with Legislative Services Division to bring a quick and satisfactory resolution to this matter.

Thanks again and kindest personal regards.

Sincerely,

Greg Barkus

Cc: Swank Enterprises  
Barbara Smith, Montana Legislative Services  
Richard Oppen, Montana Department of Environmental Quality